

A BILL

To amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize a Federal Parking System and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 378), as amended (40 U.S.C. 472), is further amended by adding the following definitions immediately after subsection (1):

(m) The term "Federal Parking System" means a nation-wide program for providing parking facilities, under the supervision of the Administrator, to provide off-street parking for Government-owned vehicles, vehicles of persons visiting buildings occupied by the Federal Government, and for privately owned vehicles of Federal employees.

(n) The term "Federal Parking Facility" means any single, multilevel or underground structure or parking lot that has been acquired or constructed pursuant to the authority contained in this Act for the express purpose of providing off-street parking spaces for the Federal Parking System.

(o) The term "Parking Area" means those grounds, areas, courtyards, or spaces within, adjacent to, or beneath buildings occupied by the Federal Government that are specifically identified and designated by the Administrator for use for off-street parking under the Federal Parking System.

(p) The terms "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal and economic

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investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and similar actions necessary for the construction or alteration of a Federal Parking Facility.

Sec. 2. Section 210(a) of the Federal Property and Administrative Services Act of 1949, as amended (64 Stat. 580; 40 U.S.C. 490a) is further amended by inserting immediately after subsection 13 thereof the following new subsections:

(14) (A) To establish an off-street Federal Parking System for official Government-owned vehicles, vehicles of visitors to buildings occupied by the Federal Government, and privately owned vehicles of Federal employees.

(B) To acquire land and interests therein by lease, purchase, condemnation, or otherwise to be used as sites for Federal Parking Facilities or as Parking Areas.

(C) To establish, operate, alter, construct, lease and control Federal Parking Facilities for the purpose of providing off-street parking spaces.

(D) To designate specific Federally owned land or space within or adjacent to buildings occupied by the Federal Government as Parking Areas, except that grounds under the control of the Architect of the Capitol, those properties excluded from the term "public building" as defined in section 13(1) of the Public Buildings Act of 1959, as amended (40 U.S.C. 612), and such other properties as the Administrator may determine should be excluded, shall not be so designated.

(E) To determine, collect or provide for the collection of, the parking rates and fees charged for the use of Federal Parking Facilities and Parking Areas provided under the Federal Parking System.

(F) To lease to qualified and financially responsible persons or corporations, Federal Parking Facilities and Parking Areas for operation under such terms and conditions as the Administrator deems will fulfill the objectives of the Federal Parking System.

Sec. 3. Section 210(f) of the Federal Property and Administrative Services Act of 1949 (66 Stat. 594; 72 Stat. 1709), as amended, is further amended as follows:

(1) deleting in the third sentence thereof, the words "but not to exceed the amount of \$10,000,000,";

(2) inserting in the second proviso thereof immediately after the words "covered into the Treasury of the United States as miscellaneous receipts" the words "except as provided in subsection (i) below:"

Sec. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended, is amended by inserting immediately after subsection (h) the following:

(i) There is hereby authorized to be included in the Buildings Management Fund a fund known as the Federal Parking System Fund. There are authorized to be appropriated to said fund such sums as may be required which, together with the value as determined by the Administrator, of land and facilities from time to time transferred to the Administrator under authority contained in section 205(f) of this Act, and the annual net income from the Federal Parking System, shall constitute the capital of the Federal Parking System fund. Such fund shall be available without fiscal year limitation for expenses of operating the Federal

Parking System, including personal services, other costs, and the acquisition by lease, purchase, condemnation, or otherwise of real property and interests therein and the procurement of equipment determined to be necessary for the operation of the Federal Parking System: Provided, That said fund shall be credited with (1) reimbursements by any Federal agency, organization or person for parking and related services rendered, and for facilities made available to them at parking fees and rates fixed by the Administrator to approximate the costs thereof met by the fund, including the amortization and depreciation of facilities and equipment and provision for accrued leave and for public liability and damage claims, and for other charges assessed by the Administrator incident to the operation of the Federal Parking System; and (2) refunds or recoveries resulting from operations of the fund, including the net proceeds of the disposal of excess or surplus property: Provided further, That following the close of each fiscal year, after making provision for prior year losses, if any, the net income from the Federal Parking System shall be capitalized in the fund for use in future operations of the Federal Parking System.

A Bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize a Federal Parking System and for other purposes.

Explanation and Justification

As stated in the transmittal letter, the bill, if enacted, would authorize the Administrator of General Services to establish and operate a nationwide system of Federal Parking Facilities and Parking Areas. "Federal Parking Facilities" are to be acquired or constructed especially for the purposes of providing off-street parking. They are to be single, multi-level, or underground structures commonly called "parking garages." The "Parking Areas" are those presently existing grounds, areas, courtyards or spaces located within, adjacent to, or beneath buildings that are under the custody and control of General Services Administration which are occupied by the Federal Government.

The bill specifically excepts from the Federal Parking System grounds under the control of the Architect of the Capitol and those properties excluded from the term "public building" as defined in section 13(1) of the Public Buildings Act of 1959, as amended (40 U.S.C. 612). The Administrator, in his discretion, would be authorized to exclude such other properties under the custody and control of GSA as he may determine should be excluded from the program.

The burden of cost of acquiring land for and the construction of "Federal Parking Facilities" is to be borne from parking fees and rates to be paid by agencies requiring parking facilities for official use, including official visitors to buildings occupied by the Federal Government and by Federal employees parking in facilities provided by the Government in a designated Federal Parking Facility or Parking Area. The bill would give the Administrator authority to determine the amount of parking fees and rates and to collect or provide for the collection of such fees from the agency in the case of official parking or from the employee in the case of employee parking.

The proposed legislation would authorize the Administrator, in his discretion, to outlease "Federal Parking Facilities" after they have been constructed to a lessee, who would operate the facility. It is planned that lessee would be authorized during evening hours, weekends, and on holidays to rent the parking spaces to members of the general public. In this manner, the public would benefit from the availability of additional parking facilities at those times when such facilities are not needed for the parking of Government-owned vehicles, the vehicles of visitors to buildings occupied by the Government or for the privately owned automobiles of Federal employees during working hours.

The bill contemplates that the Federal Parking System will be financed as an activity of the Buildings Management Fund, a current activity of GSA presently authorized by Section 210(f) of the Federal Property and Administrative Services Act of 1949, 66 Stat. 594, as amended (40 U.S.C. 490f). In order to permit the Federal Parking System to be financed within the framework of the Buildings Management Fund, two changes in the existing law are necessary: the deletion of the limitation of \$10,000,000 on the capitalization of the Buildings Management Fund and the requirement that profits of the fund are to be covered into Treasury of the United States. The bill provides that following the close of each fiscal year, after making provision for prior year losses, if any, the net income derived from operations of the Federal Parking System shall be capitalized in the fund for use of future parking facility operations.

To accomplish the financial administration of the Federal Parking System within the Buildings Management Fund, the bill would add a separate subsection (i) to be inserted immediately after subsection (h) in Section 210 of the Act. This proposed new subsection would provide specific authority for the use of the fund to acquire real property by lease, purchase, condemnation, or otherwise, and for administrative and operating expenses, including the salaries of executive management, planning and policymaking personnel and related expenses. In other GSA programs, this type of administrative, top-management expense is excluded from recoverable operating cost and is financed by separate appropriation. Since the Federal Parking System is to be self-sustaining, this type of expense must be financed through and within the availability of the fund.

The bill also provides for the amortization and depreciation of facilities and equipment, and the satisfaction of public liability and damage claims arising from the operation of the parking program. Adequate provision is made to protect the Government from any damage claims arising from operation of the Federal Parking System.

Rates and fees to be charged for the use of Federal Parking Facilities and Parking Areas are to be established at levels that will enable the Government to recover over a reasonable life-expectancy of the facility the undepreciated portions of existing facilities, the out-of-pocket operating expenses for such facilities, and also the costs of construction and operation of Federal Parking Facilities and Parking Areas especially constructed or acquired under the Federal Parking System.

The bill would add to the terms already defined in Title I of the Act definitions of the terms "Federal Parking System," "Federal Parking Facility," "Parking Area," and "construct and alter."